



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.07.2000
COM(2000)478 final

Proposal for a

COUNCIL DECISION

**on a Community position to be
presented within the EC-South Africa Cooperation Council
on the rules of procedure of the Cooperation Council**

(presented by the Commission)

EXPLANATORY MEMORANDUM

The Trade, Development and Cooperation Agreement between the European Community and South Africa which entered provisionally into force on 1 January 2000 establishes a Cooperation Council. In accordance with article 97 (2) of the Agreement, the Parties shall agree on the composition, frequency, agenda and venue of the Cooperation Council.

The inaugural meeting of the EU/SA Cooperation Council took place on 31 March 2000 in Pretoria and the discussions on the rules of procedure showed that there was a broad measure of agreement on the contents of the rules and agreement on how to proceed in the near future while taking into account both sides internal procedures.

The Commission is submitting herewith the draft rules of procedure of the EU/SA Cooperation Council and recommends that the Council approve this draft as a Community position with a view to a Cooperation Council decision.

Proposal for a

COUNCIL DECISION

**on a Community position to be
presented within the EC-South Africa Cooperation Council
on the rules of procedure of the Cooperation Council**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular the second subparagraph of Article 300 (2) in conjunction with Article 310 thereof,

Having regard to the proposal from the Commission¹,

Whereas:

- (1) The Trade, Development and Cooperation Agreement between the European Community and its Member States and South Africa entered into force on a provisional basis as of 1 January 2000 in accordance with the exchange of letters between the European Community and South Africa of 11 October 1999,²
- (2) Article 97 (2) of the Trade, Development and Cooperation Agreement provides that the Parties to that Agreement shall agree on the composition, frequency, agenda and venue of the Cooperation Council,
- (3) The position of the Community in the Cooperation Council on the adoption of the rules of procedure of the latter should be determined,

HAS DECIDED AS FOLLOWS:

Article 1

The Community's position within the Cooperation Council regarding the adoption of the rules of procedure of the latter shall be based on the draft Decision annexed hereto.

¹ OJ C , , p. .

² O.J. L 311 of 4.12.1999, p. 1.

Article 2

Minor alterations to the draft Decision may be agreed upon without a further Council Decision.

Done at Brussels,

For the Council
The President

DRAFT
DECISION OF THE COOPERATION COUNCIL

(N° /00 of)

**established by the Trade, Development and Cooperation Agreement between the
European Community and its Member States, of the one part, and South Africa, of the
other part, of 11 October 1999**

RULES OF PROCEDURE OF THE COOPERATION COUNCIL

THE COOPERATION COUNCIL,

Having regard to the Trade, Development and Cooperation Agreement between the European Community and its Member States of the one part, and South Africa, of the other part, signed in Pretoria on 11 October 1999, hereinafter referred to as “the Agreement” and in particular Article 97 (2) thereof,

Whereas that Agreement entered into force on a provisional basis as of 1 January 2000 in accordance with the exchange of letters between the European Community and South Africa of 11 October 1999,

HAS ESTABLISHED THE FOLLOWING RULES OF PROCEDURE:

Article 1 - Composition

The Co-operation Council shall consist of the members of the Council of the European Union and of members of the European Commission, on the one hand, and of representatives of the Government of South Africa on the other.

Article 2 - Presidency

The Co-operation Council shall be presided alternately by a member of the Council of the European Union, and a representative of the Government of South Africa.

During the period of provisional application of the Agreement, a representative of the European Commission shall preside on behalf of the Community.

Article 3 - Meetings

The Co-operation Council shall meet at regular intervals and when circumstances require if the Parties so agree. Equally when so agreed by the Parties, the Council may meet at Ministerial level.

Unless otherwise agreed by the parties, each session of the Co-operation Council at Ministerial level shall be held at the usual venue for meetings of the Council of the European Union.

The meetings of the Co-operation Council are jointly arranged by the Secretaries of the Co-operation Council.

Article 4 - Delegations

Before each meeting, the President of the Co-operation Council shall be informed of the intended composition and of the Head of the delegation of each Party.

The Co-operation Council may invite, by agreement between the Parties, non-members to attend its meetings.

Article 5 - Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the South African Government shall act jointly as Secretaries of the Co-operation Council.

However, during the period of the provisional application of the Agreement, an official of the Commission shall act as co-secretary on the European side.

Article 6 – Documents

When the deliberations of the Co-operation Council are based on written supporting documents, such documents shall be numbered and circulated as documents of the Co-operation Council by the two Secretaries.

Article 7 - Correspondence

All correspondence addressed to the Co-operation Council or to the President of the Council shall be forwarded to both Secretaries of the Co-operation Council.

The two Secretaries shall ensure that correspondence is forwarded to the President of the Co-operation Council and, where appropriate, circulated to other members of the Co-operation Council. Correspondence circulated shall be sent to the Secretariat General of the Commission, the Secretariat General of the Council, the Permanent Representations of the EU Member States and South African Government.

Correspondence from the President of the Co-operation Council shall be sent to the recipients by the respective Secretary and, where appropriate, circulated to the other members of the Co-operation Council mentioned in the preceding paragraph.

Article 8 - Agenda for the meetings

A provisional agenda for each meeting shall be drawn up by the Secretaries of the Co-operation Council. The corresponding secretary shall forward it to the recipients referred to in the preceding article not later than fifteen days before the beginning of the meeting.

The provisional agenda shall include the items in respect of which a request for inclusion in the agenda has been received by either of the two Secretaries not later than twenty-one days before the beginning of the meeting. Items shall not be written into the provisional agenda

unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the provisional agenda.

The Co-operation Council at the beginning of each meeting shall adopt the agenda. An item other than those appearing on the provisional agenda may be placed on the agenda if the two Parties so agree.

In agreement with the Parties, the time limits specified in paragraph 1 may be shortened in order to take account of the requirements of a particular case.

Article 9 - Minutes

Draft minutes of each meeting shall be drawn up as soon as possible jointly by the two Secretaries.

The minutes shall, as a general rule, indicate in respect of each item on the agenda:

- (1) the documentation submitted to the Co-operation Council;
- (2) statements the entry of which has been requested by a member of the Co-operation Council;
- (3) the decisions taken, the recommendations made, the statements agreed upon and the conclusions adopted on specific items.

The minutes shall also include a list of members of the Co-operation Council who participated at the meeting.

The draft minutes shall be submitted to the Co-operation Council for approval at its next meeting. The draft minutes also can be agreed in writing by both Parties. When approved, two authentic copies of the minutes shall be signed by the two Secretaries and be filed by the Parties. A copy of the minutes shall be forwarded to each of the recipients referred to in the preceding articles.

Article 10 - Decisions and Recommendations

The Co-operation Council shall take decisions and make recommendations by common agreement between the Parties. During the inter-session period, the Co-operation Council may adopt a decision or make recommendations by written procedure if both Parties so agree. A written procedure consists of an exchange of notes between the two Secretaries, acting in agreement with the Parties.

The decisions and recommendations of the Co-operation Council within the meaning of Article 97 of the Agreement shall be entitled "decision" and "recommendation" respectively, followed by a serial number, by the date of their adoption and by a description of their subject.

The decisions and recommendations of the Co-operation Council shall be signed by the President and authenticated by the two Secretaries and two authentic copies shall be kept in the archives of the Parties of the Co-operation Council.

Decisions and Recommendations shall be transmitted through the two Secretaries to each of the recipients referred to in the preceding articles above as documents of the Co-operation Council.

Article 11 - Publicity

Unless otherwise decided, the meetings of the Co-operation Council shall not be public.

Each Party may decide on the publication of the decisions and the recommendations of the Co-operation Council in its respective official publication.

Article 12 - Languages

The official languages of the Co-operation Council shall be the official languages of the Parties.

Article 13 - Expenses

The European Community and South Africa shall each defray the expenses they incur by reason of their participation in the meetings of the Co-operation Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure.

Expenditure in connection with organisation of meetings shall be borne by the Party that hosts the meeting.

Article 14 - Committee

One or more Co-operation Committees may be established in order to assist the Co-operation Council in the performance of its duties.

Done at ... ,

*For the Cooperation Council
The President*